

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 1:07cv219

MICHAEL A. KITCHEN,

Plaintiff,

vs.

FARRELL LOG STRUCTURES, L.L.C.,

Defendant.

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ORDER

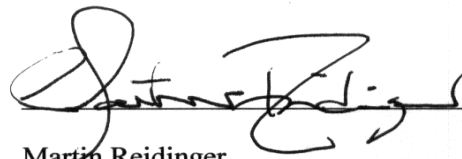
THIS MATTER is before the Court on the Plaintiff's Motion for an Award of Attorneys' Fees and Costs [Doc. 82].

On July 10, 2009, the Court was notified by defense counsel that the Defendant had filed a voluntary petition for bankruptcy pursuant to Chapter 7 of the United States Bankruptcy Code on May 7, 2009. [Doc. 95]. The automatic stay provisions of Section 362 of the Bankruptcy Code preclude further prosecution of the motion by the Plaintiff. The underlying case has been closed due to entry of the Judgment based on the jury verdict rendered on February 2, 2009. [Docs. 77, 80]. The Court will therefore stay any ruling on the motion pending the conclusion of the bankruptcy proceedings.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for an Award of Attorneys' Fees and Costs [Doc. 82] is hereby **STAYED** pending the conclusion of the bankruptcy proceedings.

The Clerk of Court is instructed to terminate Doc. 82 as a pending motion.

Signed: September 1, 2009


Martin Reidinger
United States District Judge

